

REMARKS

Claims 1-13, 17-29, 32 and 33 were pending in this application. Claims 1, 2, 11, 17, 19, 20, and 32 have been amended herein. Claims 3-5, 13, and 21-23 have been canceled herein, without disclaimer of subject matter or prejudice to its later presentation in one or more continuation or divisional applications. Support for amended claims 1, 11, 17, and 32 can be found throughout the specification and original claims, for example, at page 11, lines 21-22 of the specification. Claims 2, 19, and 20 have been amended herein solely to correct clerical errors. No new matter has been added. Upon entry of the present amendments, claims 1, 2, 6-12, 17-20, 24-29, 32, and 33 will be pending.

I. The Claimed Invention is Novel

Claims 1-2, 6-13, 17-20, 24-29 and 32 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,713,059 (hereinafter the “Kende reference”). In particular, the Office alleges that Kende discloses: (1) monoclonal antibodies to N-butanoyl-L-homoserine lactone; (2) methods of treating or preventing an infectious disease comprising administering the antibody to a subject; and (3) single chain antibodies. (See, Office Action at page 5). Although Applicants believe that claims 1-2, 6-13, 17-20, 24-29 and 32 as previously presented were novel, solely to expedite prosecution and without disclaimer of subject matter, claims 1, 2, 11, 17, 19, 20, and 32 have been amended herein to even more clearly distinguish the present claims from the Kende reference. Applicants respectfully request reconsideration in light of the amendments made herein and the comments below.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 1 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The Kende reference reports generation of polyclonal antibodies from animals, following multiple immunizations from an immunogenic conjugate of a lactone signaling molecule. The Kende reference also reports that these conjugates can be used to immunize animals and can then be

used to isolate polyclonal and monoclonal antibodies to the immunogenic conjugates. Applicants' undersigned representative is unable to locate any portion of the Kende reference that teaches human antibodies that specifically target the free soluble form of the homoserine lactone molecule as recited by Applicants. Further, Applicants' antibodies are achieved without the need for immunization as reported in the Kende reference. Thus, the Kende reference does not teach every element of the claimed invention. Accordingly, Applicants respectfully assert that the claimed invention is novel and request that this rejection be withdrawn.

II. The Claimed Invention is Enabled

Claim 33 stands rejected under 35 U.S.C. §112, first paragraph for containing subject matter which was allegedly not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the Office alleges that the specification lacks complete deposit information for the deposit of NCIMB-41167, NCIMB-41168, NCIMB-41169 and NCIMB-41170; and it is allegedly not clear that host cells possessing the identical properties of NCIMB-41167, NCIMB-41168, NCIMB-41169 and NCIMB-41170 are known and publicly available or can be reproducibly isolated from nature without undue experimentation. (See, Office Action at page 3). Although Applicants respectfully disagree and believe that claim 33 is enabled, solely to expedite prosecution, the specification has been amended herein to more clearly identify the depository at which the biological material was deposited. Copies of the Deposit documents for each of the deposits is enclosed herewith for the convenience of the Office. Applicants respectfully assert that the deposit complies with the requirements of 37 C.F.R. §§ 1.801-1.809. Accordingly, Applicants respectfully urge that the claimed invention is enabled and request that this rejection be withdrawn.

III. Conclusion

Applicants respectfully submit that the claims are in condition for allowance. An early

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notice of the same is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at (215) 981-4864 to resolve any remaining issues.

Respectfully submitted,

/Nikhil A. Heble, Reg.#61,347/
Nikhil A. Heble, Pharm.D.

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Pepper Hamilton LLP
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103
Telephone: 215.981.4864
Facsimile: 215.827.5279